

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

ESTATE OF

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RAFAEL PENA

Civil No. _____

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NOTICE OF REMOVAL

1. Defendant Guerra & Moore, Ltd, LLP ("Guerra & Moore") files this notice of removal under 28 U.S.C. §1446(a).
2. On September 29, 2017, Plaintiff sued Defendant Guerra & Moore in the County Court at Law, Starr County, Texas.
3. Defendant received notice of this suit on October 2, 2017. Defendant has not been served with process. Defendant files this notice of removal within the 30 day timeframe required by 28 U.S.C. §1446(b).
4. Removal is proper, because this Court has jurisdiction pursuant to 28 U.S.C. §1334. This Court assumed jurisdiction over a certain piece of Property in Civil No. 7:11-cv-299; *Guerra & Moore, Ltd, LLP v. Marco A. Cantu, Debtor, et. al.*, (Randy Crane, J.), over which this Court has jurisdiction pursuant to 28 U.S.C. §1334. The Property is 809 Sycamore, McAllen, Texas, more particularly described as:

Lot Nine (9), Block Four (4), Highland Park, an addition to the City of McAllen, Hidalgo County, Texas, as per plat map or plot thereof, recorded in Volume 10, Page 12, Map Records, Hidalgo County, Texas.

("the Property"). The sole purpose of the instant state court suit is to assume jurisdiction over the same piece of Property in an attempt to defeat Judge Crane's jurisdiction and numerous orders issued applicable to said Property. This case is

directly related to a case already pending in this Court, Civil No. 7:11-cv-299; *Guerra & Moore, Ltd, LLP v. Marco A. Cantu, Debtor, et. al.*, (Randy Crane, J.)

5. All pleadings, process, orders and other filings in the state court action are attached to this notice as required by 28 U.S.C. §1446(a).

6. Venue is proper in this district pursuant under 28 U.S.C. §1441(a), because this district and division embrace the place in which the removed action has been pending.

7. Defendant will file promptly a copy of this notice of removal with the clerk of the court in the state court in which this action has been pending.

8. This Court has jurisdiction over this case, because it is directly related to a case pending before this Court, and the sole subject matter of this lawsuit is to assert jurisdiction over Property which is the subject-matter of a case pending in this Court. Defendant Guerra & Moore, Ltd., LLP prays that the Court take notice of this filing.

Respectfully submitted,

GUERRA LAW GROUP, PLLC
4201 North McColl Rd.
McAllen, Texas 78504
(956) 618-3000 Phone
(956) 686-4200 Fax

By: _____/s/ *David J. Lumber* _____
David J. Lumber
State Bar No. 24002504
S.D. Texas Bar No.: 22085

**ATTORNEY FOR DEFENDANT
GUERRA & MOORE, LTD, LLP.**

CERTIFICATE OF SERVICE

Pursuant to the Federal Rules of Civil Procedure, a true copy of this instrument has been served via ecf service and/or regular U.S. mail on the 9th day of October, 2017, as follows:

/s/David J. Lumber

Shiree Salinas
Law Office of Shiree D. Salinas, PLLC
4900 N. 20th St., Suite A-4
McAllen, Texas 78504